

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

LEMOND CYCLING, INC.,

Plaintiff,

v.

TREK BICYCLE CORPORATION,

Defendant and Third-  
Party Plaintiff,

v.

GREG LEMOND,

Third-Party Defendant.

Case No. 08-CV-1010 (RHK-JSM)

**SUPPLEMENTAL  
DECLARATION OF  
RALPH A. WEBER IN  
SUPPORT OF TREK'S  
MOTION TO COMPEL**

STATE OF MINNESOTA )  
                         :SS.  
COUNTY OF HENNEPIN )

I RALPH A. WEBER, declare as follows:

I am an adult resident of the State of Wisconsin and one of the lawyers for defendant Trek Bicycle Corporation ("Trek"). I make this Declaration on personal knowledge and in support of Trek's Motion to Compel Responses to Trek's First Set of Written Discovery to LeMond Cycling, Inc. (Docket Entry #61)

1.     Trek's Motion to Compel a Rule 37 Conference (Docket Entry #55) and its supporting memorandum and exhibits (Docket Entries ##57 and 59) constitute Trek's Certification that it has in good faith attempted to confer with Plaintiff LeMond Cycling Inc. about obtaining responses to its discovery requests

without court action. Exhibits 1–22 in support of Trek’s Motion to Compel a Rule 37 Conference (Docket Entry # 59) include my communications evidencing my attempts to confer with counsel for LeMond to resolve this dispute without court action.

2. Trek’s Memorandum in Support of its Motion to Compel Responses to Trek’s First Set of Written Discovery to LeMond Cycling, Inc. (Docket Entry #63) cited excerpts of the transcript of Greg LeMond’s December 15, 2008, deposition. (*See* Docket Entry #63, Trek Memorandum, pp. 12-13, 16-17, citing LeMond Dep. Tr. 153, 155, 157-58, 193–94, 222-226). Trek did not attach these pages as exhibits to its December 31, 2008, filing because it wanted to confirm with LeMond’s counsel that the cited pages were not subject to the parties’ stipulated protective order. Having confirmed they are not, Trek now submits the deposition pages referenced in its memorandum as exhibit 10 in support of its motion.

3. Attached as Exhibit 10 is a true and correct copy of pages 153, 155, 157-58, 193–94, 222-226 of Greg LeMond’s Deposition Transcript, Dec. 15, 2008.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on January 7, 2008.

/s/ Ralph A. Weber

Ralph A. Weber (WI SBN 1101563 )

GASS WEBER MULLINS LLC  
309 North Water Street, Suite 700  
Milwaukee, WI 53202  
Telephone: (414) 223-3300  
Fax: (414) 224-6116

ATTORNEY FOR DEFENDANT